

OPEN MEETING AGENDA ITEM



0000034990

ORIGINAL

BEFORE THE ARIZONA CORPORATION

308E

JEFF HATCH-MILLER
CHAIRMAN
WILLIAM A. MUNDELL
COMMISSIONER
MARC SPITZER
COMMISSIONER
MIKE GLEASON
COMMISSIONER
KRISTIN K. MAYES
COMMISSIONER

2005 OCT 25 A 8:12

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION
OF THE ARIZONA DEPARTMENT OF
TRANSPORTATION TO UPGRADE AN
EXISTING CROSSING OF THE ARIZONA
EASTERN RAILWAY COMPANY AT
APACHE GOLD CASINO, IN GILA
COUNTY, ARIZONA, AAR/DOT NO. 742-
342-Y.

DOCKET NO. RR-02634A-05-0598

**EXCEPTIONS
TO RECOMMENDED OPINION
AND ORDER**

A full public hearing was held in the above captioned matter on October 5, 2005. On October 19, 2005, Administrative Law Judge Marc Stern ("ALJ Stern") issued a Recommended Opinion and Order ("ROO"). Finding of Fact Number 4 in the ROO states "The Application provides for the Railroad to upgrade the crossing by *replacing the existing* flashing light signals and automatic gates with new, larger automatic gates and cantilever flashing L.E.D. lights and *by installing* a new curb along the roadway." (Emphasis added).

Staff hereby respectfully submits that Finding of Fact Number 4 should provide "The Application provides for the Railroad to upgrade the crossing by installing flashing light signals, automatic gates, cantilever L.E.D. flashing lights, and new curb along the roadway." The Application included an agreement between Applicant Arizona Department of Transportation and Arizona Eastern Railway Company describing the scope of work. Exhibit B to the agreement details the work and provides for new flashing lights and automatic gates rather than an upgrade to existing facilities. Staff witness Chris Watson also testified "right now, from what I understand, the crossing, they are wanting to put in new cantilevers and new signals, 12-inch signals, light flashers and electronic arms..." Transcript, p. 6, lines 11-14.

...

1 Therefore, Staff respectfully requests that Finding of Fact Number 4 be modified as
2 follows: "The Application provides for the Railroad to upgrade the crossing by ~~replacing the~~
3 ~~existing~~ **installing** flashing light signals, automatic gates, cantilever L.E.D. flashing lights,
4 and by ~~installing~~ new curb along the roadway."

5 RESPECTFULLY SUBMITTED this 25th day of October, 2005.
6

7
8 By: 

9 Keith A. Layton
10 Attorney, Legal Division
11 Arizona Corporation Commission
12 1200 West Washington Street
13 Phoenix, Arizona 85007

14 Original and Thirteen (13) copies
15 filed this 25th day of October, 2005
16 with:

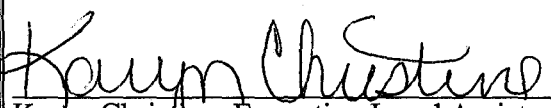
17 Docket Control
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21 Copies of the foregoing were mailed
22 on the 25th day of October, 2005 to:

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